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26171 7590 07/08/2010

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2431

DATE MAILED: 07/08/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,219	04/26/2001	Shunpei Yamazaki	12732-0032001	5375

TITLE OF INVENTION: SYSTEM FOR IDENTIFYING AN INDIVIDUAL, A METHOD FOR IDENTIFYING AN INDIVIDUAL OR A BUSINESS
METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/08/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26171 7590 07/08/2010

**FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/842,219 04/26/2001 Shunpei Yamazaki 12732-0032001 5375

TITLE OF INVENTION: SYSTEM FOR IDENTIFYING AN INDIVIDUAL, A METHOD FOR IDENTIFYING AN INDIVIDUAL OR A BUSINESS METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/08/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
HENNING, MATTHEW T	2431	713-202000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HENNING, MATTHEW T	
			ART UNIT	PAPER NUMBER

2431

DATE MAILED: 07/08/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 462 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 462 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/842,219

Applicant(s)

YAMAZAKI ET AL.

Examiner

MATTHEW T. HENNING

Art Unit

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed April 14, 2010.
2. ☒ The allowed claim(s) is/are 1,26,51,54-56,59,60,62-68,73-82,84 and 85.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Matthew T Henning/
Primary Examiner, Art Unit 2431

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Hayden on 6/29/2010.

Please replace the previous claim listing with the following claim listing:

1. (Currently Amended) A system for identifying a client, the system comprising a server and a portable communication device,
 - wherein the portable communication device comprises:
 - a switch for turning on the portable communication device;
 - a nonvolatile memory for storing at least one reference biological information of the client using the portable communication device, the stored biological information being stored in the nonvolatile memory prior to turning on the portable communication device;
 - a sensor for reading at least one biological information of the client after using the switch to turn on the portable communication device;
 - a checking circuit for performing an identification process to confirm the identity of the client by checking the read biological information with the stored biological information,

wherein the checking circuit is configured to complete the identification of the client if the read biological information matches with the stored reference biological information; and

a transmitting circuit for transmitting information that the identification of the client is completed and the identity of the client is confirmed to the server,

wherein the portable communication device is configured to complete the identification of the client without a necessity of exchanging data between the portable communication device and the server,

wherein the server is configured to transmit the information that the identification of the client is completed to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information that the identification of the client is completed, and

wherein a personal identification number information is sent to the server after transmitting the information that the identification of the client is completed to the server, and the stored biological information is rewritable if the personal identification number matches with a number stored at the server and is not rewritable if the personal identification number does not match with the number stored at the server.

2-25. (Canceled)

26. (Currently Amended) A method for identifying a client, said method comprising steps of:

turning on a portable communication device;

reading at least one biological information of the client by a sensor in the portable communication device after turning on the portable communication device;

performing an identification process by a checking circuit in the portable communication device to confirm the identity of the client by checking the read biological information with at least one stored reference biological information of the client, the stored reference biological information being stored in a nonvolatile memory in the portable communication device prior to turning on the portable communication device;

using the checking circuit to complete the identification of the client if the read biological information matches with the stored reference biological information;

and transmitting information that the identification of the client is completed and the identity of the client is confirmed from the portable communication device to the server,

wherein the identification of the client is completed without a necessity of exchanging data between the portable communication device and a server,

wherein the server is configured to transmit the information that the identification of the client is completed to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information that the identification of the client is completed, and

wherein a personal identification number information is sent to the server after transmitting the information that the identification of the client is completed to the server, and the stored biological information is rewritable if the personal identification number matches with a number stored at the server and is not rewritable if the personal identification number does not match with the number stored at the server.

27-50. (Canceled)

51. (Currently Amended) A business method using Internet, said business method comprising:

identifying a client by an identifying element loaded in a portable communication device;

and

controlling a communication between the client and a plurality of dealers by a control element in a server;

wherein said identifying step comprises:

storing at least one reference biological information of the client in a nonvolatile memory in the portable communication device prior to turning on the portable communication device;

turning on the portable communication device;

reading at least one biological information of the client after turning on the portable communication device; and

performing an identification process to confirm the identity of the client by checking the read biological information with the at least one stored reference biological information stored in the nonvolatile memory in the portable communication device;

using the portable communication device to complete the identification of the client if the read biological information matches with the stored reference biological information; and

transmitting information that the identification of the client is completed and the identity of the client is confirmed from the identifying element to the control element,

wherein the identifying step is completed without a necessity of exchanging data between the portable communication device and the server, and

wherein said controlling step comprises:

admitting the communication between the client and the plurality of dealers after identifying the client by the identifying element; and

providing a password to the client, and

wherein the server is configured to transmit the information that the identification of the client is completed and the identity of the client is confirmed to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information that identification of the client is completed and the identity of the client is confirmed, and

wherein a personal identification number information is sent to the server after transmitting the information that the identification of the client is completed to the server, and the stored biological information is rewritable if the personal identification number matches with a number stored at the server and is not rewritable if the personal identification number does not match with the number stored at the server.

52-53. (Canceled)

54. (Previously Presented) A system for identifying a client according to claim 1, wherein the nonvolatile memory stores a plurality of reference biological information of the client, and wherein the checking circuit is configured to complete the identification of the client if the read biological information has matched with at least one of the stored plurality of reference biological information to the server.

55. (Previously Presented) A system for identifying a client according to claim 54, wherein the sensor reads the plurality of biological information of the client, and wherein the checking circuit is configured to complete the identification of the client if each of the plurality of read biological information has matched with at least one of the plurality of stored reference biological information.

56. (Previously Presented) A system for identifying a client according to claim 1, wherein the information that the identification of the client is completed and the identity of the client is confirmed is transmitted to the server through the Internet.

57-58. (Canceled)

59. (Previously Presented) A system for identifying a client according to claim 1, wherein the read biological information is one selected from the group consisting of a fingerprint, a palm pattern and a voice print.

60. (Previously Presented) A system for identifying a client according to claim 59, wherein the palm pattern is a whole pattern of the palm or a pattern of a part of the palm.

61. (Canceled)

62. (Previously Presented) A system for identifying a client according to claim 1, wherein the sensor includes one of a photodiode and a CCD.

63. (Previously Presented) A system for identifying a client according to claim 1, wherein the portable communication device is a portable information terminal.

64. (Previously Presented) A system for identifying a client according to claim 1, wherein the portable communication device is a portable telephone.

65. (Previously Presented) A system for identifying a client according to claim 1, wherein the portable communication device is a personal computer.

66. (Previously Presented) A method according to claim 26, wherein the nonvolatile memory stores a plurality of reference biological information of the client.

67. (Previously Presented) A method according to claim 66, wherein the checking is performed between each of a plurality of read biological information and at least one of the plurality of stored biological information.

68. (Previously Presented) A method according to claim 26, wherein the information that the identification of the client is completed and the identity of the client is confirmed is transmitted to the server through the Internet.

69-72. (Canceled)

73. (Previously Presented) A method according to claim 26, wherein the read biological information is one selected from the group consisting of a fingerprint, a palm pattern and a voice print.

74. (Previously Presented) A method according to claim 73, wherein the palm pattern is one of a whole pattern of the palm and a part pattern of the palm.

75. (Previously Presented) A method according to claim 26, wherein the portable communication device is a portable information terminal.

76. (Previously Presented) A method according to claim 26, wherein the portable communication device is a portable telephone.

77. (Previously Presented) A method according to claim 26, wherein the portable communication device is a personal computer.

78. (Previously Presented) A business method according to claim 51, wherein the read biological information is one selected from the group consisting of a fingerprint, a palm pattern and a voice print.

79. (Previously Presented) A business method according to claim 78, wherein the palm pattern is one of a whole pattern of the palm and a part pattern of the palm.

80. (Previously Presented) A business method according to claim 51, wherein the portable communication device is a portable information terminal.

81. (Previously Presented) A business method according to claim 51, wherein the portable communication device is a portable telephone.

82. (Previously Presented) A business method according to claim 51, wherein the portable communication device is a personal computer.

83. (Canceled)

84. (Currently Amended) A system for identifying an individual to identify a client, said system comprising a portable communication device having:

an activation means for turning on the portable communication device;

a storing means for storing a reference biological information of the client prior to turning on the portable communication device;

a reading means for reading a biological information of the client after turning on the portable communication device;

a checking means for performing an identification process to confirm the identity of the client by checking the read biological information with the stored biological information and

completing the identification of the client if the read biological information matches with the stored reference biological information; and

a transmitting means for transmitting information to the server that the identification of the client is completed and the identity of the client is confirmed,

wherein the checking means is configured to complete the identification of the client without a necessity of exchanging data with the server, and

wherein a personal identification number information is sent to the server after transmitting the information that the identification of the client is completed to the server, and the stored biological information is rewritable if the personal identification number matches with a number stored at the server and is not rewritable if the personal identification number does not match with the number stored at the server.

85. (Currently Amended) A method for identifying an individual to identify a client, said method comprising:

storing at least one reference biological information of the client in a portable communication device prior to turning on the portable communication device;

reading a biological information of the client after turning on the portable communication device;

performing an identification process at the portable communication device to confirm the identity of the client by checking the read biological information with the at least one stored reference biological information of the client and completing the identification of the client if the read biological information matches with the stored reference biological information,

wherein the identification process is completed without a necessity of a communication with a server, and

wherein information that the identification of the client is completed and the identity of the client is confirmed is transmitted to the server after identifying the client, and

wherein a personal identification number information is sent to the server after transmitting the information that the identification of the client is completed to the server, and the stored biological information is rewritable if the personal identification number matches with a number stored at the server and is not rewritable if the personal identification number does not match with the number stored at the server.

86-95. (Canceled)

The following is an examiner's statement of reasons for allowance:

The closest prior art, US Patent Number 6,016,476, did disclose a system and a method for identifying an individual to identify a client, said method comprising: storing at least one reference biological information of the client in a portable communication device prior to turning on the portable communication device; reading a biological information of the client after turning on the portable communication device; performing an identification process at the portable communication device to confirm the identity of the client by checking the read biological information with the at least one stored reference biological information of the client and completing the identification of the client if the read biological information matches with the stored reference biological information, wherein the identification process is completed without a necessity of a communication with a server, and wherein information that the identification of the client is completed and the identity of the client is confirmed is transmitted to the server after identifying the client. However, the prior art failed to disclose, in the specific combination of limitations as claimed, wherein a personal identification number information is sent to the server after transmitting the information that the identification of the client is completed to the server, and the stored biological information is rewritable if the personal identification number matches with a number stored at the server and is not rewritable if the personal identification number does not match with the number stored at the server.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW T. HENNING whose telephone number is (571)272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571)272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew T Henning/
Primary Examiner, Art Unit 2431